

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY — FRIDAY, MAY 16, 1997

The house met at 12:10 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 447).

Present — Mr. Speaker; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddock; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Alexander; Junell; Moreno; Oliveira; Serna.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a meeting of the conference committee on **HB 1**:

Junell on motion of R. Lewis.

The following member was granted leave of absence for today because of important business:

Alexander on motion of R. Lewis.

On motion of Representative Carter and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Carter moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Carter and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

**LOCAL CALENDAR
CONSENT CALENDAR
THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 2607**HB 3605****HB 464****HB 1645****HB 1749****HB 1914****HB 1922****HB 2155****HB 2198****HB 2380****HB 2736** (Keffner - no)**HB 2750** (Finnell, Hartnett, Heflin, Horn, Solomons, and Talton - no)**HB 3157****HB 3249****HB 3609****SB 66****SB 85****SB 113****SB 208****SB 213** (Finnell, Horn, and Talton - no)**SB 262****SB 273****SB 320**

SB 412
SB 483
SB 605
SB 620
SB 682
SB 703
SB 712
SB 725
SB 909
SB 970
SB 975
SB 1017
SB 1040
SB 1177
SB 1273
SB 1290
SB 1310
SB 1333
SB 1334
SB 1368
SB 1385
SB 1517
SB 1568
SB 1574
SB 1610
SB 1631
SB 1849

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by (Record 448): 141 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins;

Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Junell; Moreno; Oliveira; Serna.

Absent — Hinojosa.

HB 328 (141-0-2)

HB 1153 (Finnell, Heflin, Horn, and Talton - no) (137-4-2)

HB 2731 (141-0-2)

SB 874 (141-0-2)

SB 1057 (141-0-2)

SB 1163 (141-0-2)

SB 1164 (141-0-2)

SB 1165 (141-0-2)

SB 1175 (Corte, Galloway, Heflin, and Hupp - no) (137-4-2)

SB 1391 (141-0-2)

SB 1544 (141-0-2)

SB 1609 (141-0-2)

SB 1622 (141-0-2)

SB 566 (141-0-2)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Marchant on motion of Hunter.

(Speaker in the chair)

HCR 238 - ADOPTED (by Merritt, et al.)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HCR 238**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 238, Conferring the Texas Legislative Medal of Honor on Technical Sergeant James M. Logan.

HCR 238 was adopted without objection.

**HB 906 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative McCall called up with senate amendments for consideration at this time,

HB 906, A bill to be entitled An Act relating to approval by a lienholder required for payment of an insurance claim; providing a civil penalty.

On motion of Representative McCall, the house concurred in the senate amendments to **HB 906**.

Senate Amendment No. 1

Amend **HB 906**, Section 1, by inserting the word "business" after "14th" and before "day".

**HB 1112 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hawley called up with senate amendments for consideration at this time,

HB 1112, A bill to be entitled An Act relating to certain hearings concerning the revocation of the release status of persons under the supervision of the pardons and paroles division of the Texas Department of Criminal Justice and the housing of those persons pending the hearings.

On motion of Representative Hawley, the house concurred in the senate amendments to **HB 1112**.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1112** in SECTION 2 of the bill, in proposed Section 14, Article 42.18, Code of Criminal Procedure, as follows:

(1) In proposed Subsection (d)(3) (house engrossment, page 4, lines 17-19), strike "the prisoner or person is granted a continuance by a parole panel or a designee of the board in the prisoner's or person's hearing under Subsection (a)" and substitute "a parole panel or designee of the board determines that a continuance in the hearing under Subsection (a) is necessary".

(2) In proposed Subsection (f) (house engrossment, page 5, line 23), between "conditions" and the comma, insert "or when a summons is issued for a hearing under this section".

(3) In proposed Subsection (h) (house engrossment, page 6, lines 13-15), strike "and a summons is issued under Section 13(a) requiring the prisoner or person to appear for a hearing under this section".

(4) Immediately after proposed Subsection (i) (house engrossment, page 6, between lines 22 and 23), insert the following:

(j) If a warrant for a prisoner or person issued under Section 13(a) is withdrawn, a summons may be issued requiring the prisoner or person to appear for a hearing under this section.

Senate Amendment No. 2

Amend **HB 1112** by adding an appropriately numbered SECTION _____ to read as follows, and renumber the subsequent sections accordingly:

SECTION _____. Section 13(a), Article 42.18, Code of Criminal Procedure, is amended to read as follows:

(a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released although not eligible for release, a resident released to a preparole or work program, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which the person was paroled, released, or pardoned may be issued by the director or a designated agent of the director in cases of parole or mandatory supervision, or by the board on order by the governor in other cases, if there is reason to believe that the person has been released although not eligible for release, if the person has been arrested for an offense, if there is a document that is self-authenticating as provided by Rule 902, Texas Rules of Criminal Evidence ~~[verified complaint]~~ stating that the person violated a rule or condition of release, or if there is reliable evidence that the person has exhibited behavior during the person's release that indicates to a reasonable person that the person poses a danger to society that warrants the person's immediate return to custody. The person may be held in custody pending a determination of all facts surrounding the alleged offense, violation of a rule or condition of release, or dangerous behavior. A designated agent of the director acts independently from a parole officer and must receive specialized training as determined by the director. Such warrant shall authorize all officers named therein to take actual custody of the prisoner and detain and house the prisoner until a parole panel orders the return of the prisoner to the institution from which he was released. Pending hearing, as hereinafter provided, upon any charge of parole violation, ineligible release, or violation of the conditions of mandatory supervision, a prisoner returned to custody shall remain incarcerated. If the director, a board member, or a designated agent of the director or the board is otherwise authorized to issue a warrant under this subsection, the division may instead issue to a prisoner a summons requiring the prisoner to appear for a hearing under Section 14 of this article. The summons must state the time, place, date, and purpose of the hearing.

HB 1550 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Goodman called up with senate amendments for consideration at this time,

HB 1550, A bill to be entitled An Act relating to the juvenile justice system.

Representative Goodman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1550**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1550**: Goodman, chair, Hightower, Naishtat, McClendon, and Williams.

HB 2510 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hilderbran called up with senate amendments for consideration at this time,

HB 2510, A bill to be entitled An Act relating to the regulation of certain personal care facilities.

On motion of Representative Hilderbran, the house concurred in the senate amendments to **HB 2510**.

Senate Committee Substitute

CSHB 2510, A bill to be entitled An Act relating to the regulation of certain personal care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.029 to read as follows:

Sec. 247.029. FACILITIES FOR PERSONS WITH ALZHEIMER'S DISEASE. (a) The board by rule shall establish a classification and license for a facility that advertises, markets, or otherwise promotes that the facility provides personal care services to residents who have Alzheimer's disease or related disorders. A facility is not required to be classified under this section to provide care or treatment to residents who have Alzheimer's disease or related disorders.

(b) A personal care facility classified under this section may not keep residents in a locked room or other locked environment except as allowed by department rules applicable to a personal care facility.

(c) A personal care facility classified under this section may not chemically or physically restrain a resident except in an emergency.

(d) The board shall adopt minimum standards for a personal care facility classified under this section for:

(1) staff-resident ratios and staff training requirements;

(2) required personnel and duties, including the availability of a licensed social worker who serves as a community-family support coordinator;

(3) activity and social programs for residents;

(4) provision of care to and performance of assessments of residents with dementia;

(5) admissions;

(6) operations;

(7) record-keeping;

(8) assistance with or supervision of the administration of medications;

(9) advertising; and

(10) building facilities.

SECTION 2. This Act takes effect September 1, 1997. The Texas Board

of Human Services shall adopt rules required under Section 247.029, Health and Safety Code, as added by this Act, not later than December 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Senate Amendment No. 1

Amend **CSHB 2510** as follows:

- 1) Strike subsection (b).
- 2) Strike subsection (c).
- 3) Amend subsection (d) to read as follows:

(d) The board shall adopt minimum standards for a personal care facility classified under this section.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

SB 1286 ON SECOND READING

(Talton - House Sponsor)

SB 1286, A bill to be entitled An Act relating to civil service for firefighters and police officers in certain municipalities.

SB 1286 was read second time on May 15 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Talton offered the following amendment to **SB 1286**:

Amend **SB 1286** as follows:

(1) Insert the following appropriately numbered SECTION in the bill:
SECTION _____. Chapter 143, Local Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. LOCAL CONTROL OF POLICE OFFICER EMPLOYMENT MATTERS IN MUNICIPALITIES WITH POPULATION OF 1.5 MILLION OR MORE

Sec. 143.351. APPLICABILITY. This subchapter applies only to a municipality with a population of 1.5 million or more, but does not apply to a municipality that has adopted Chapter 174.

Sec. 143.352. DEFINITIONS. In this subchapter:

(1) "Majority bargaining agent" means the police employee group selected under Section 143.354 or 143.355 to represent all police officers employed by the municipality during negotiations with the public employer.

(2) "Police employee group" means an organization:

(A) in which at least three percent of the police officers of the municipality participate and pay dues via automatic payroll deduction; and
(B) that exists for the purpose, in whole or part, of dealing

with the municipality concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work affecting police officers.

(3) "Public employer" means any municipality or agency, board, commission, or political subdivision controlled by a municipality that is required to establish the wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment of police officers. The term includes, under appropriate circumstances, a mayor, manager, administrator of a municipality, municipal governing body, director of personnel, personnel board, or one or more other officials, regardless of the name by which they are designated.

Sec. 143.353. GENERAL PROVISIONS RELATING TO AGREEMENTS, RECOGNITION, AND STRIKES. (a) A municipality may not be denied local control over the wages, salaries, rates of pay, hours of work, and other terms of employment, or other state-mandated personnel issues, if the public employer and the majority bargaining agent come to a mutual agreement on any of the terms of employment. If an agreement is not reached, the state laws, local ordinances, and civil service rules remain unaffected. All agreements shall be written. Nothing in this subchapter requires either party to meet and confer on any issue or reach an agreement.

(b) A public employer may only meet and confer if the majority bargaining agent does not advocate the illegal right to strike by public employees.

(c) Police officers of a municipality may not engage in strikes or organized work stoppages against this state or a political subdivision of this state. A police officer who participates in a strike or work stoppage forfeits all civil service rights, reemployment rights, and any other rights, benefits, or privileges the police officer enjoys as a result of employment or prior employment.

Sec. 143.354. SELECTION OF MAJORITY BARGAINING AGENT. (a) Not later than January 31, 1998, representatives from each police employee group shall meet to select the majority bargaining agent. The majority bargaining agent must be selected unanimously.

(b) If the representatives of the police employee groups fail to meet or are unable to reach a unanimous consensus as to a majority bargaining agent before January 31, 1998, the selection of a majority bargaining agent will be governed by Section 143.355.

Sec. 143.355. ELECTION OF MAJORITY BARGAINING AGENT. (a) This section does not apply if a majority bargaining agent is selected under Section 143.354.

(b) The governing body of a police employee group, by resolution, may call for an election to select a majority bargaining agent. The election shall be held not earlier than the 60th day and not later than the 90th day after the date the resolution is adopted.

(c) All police officers employed by the municipality are entitled to vote in the election.

(d) The police employee group receiving a majority of the votes cast shall be the majority bargaining agent.

(e) If no police employee group receives a majority of the votes cast, the two police employee groups receiving the highest number of votes shall participate in a runoff election. The runoff election shall be held not later than the 30th day after the date of the initial election.

(f) If the police employee groups participating in the election are unable to agree on the procedures for the election, any group may request that the American Arbitration Association conduct the election and certify the results. Certification of the results of an election resolves the question of the selection of the majority bargaining agent.

(g) All police employee groups participating in the election shall share equally the expenses of the election. A police employee group that fails to pay its share of the election expenses forfeits the right to participate on the bargaining team under Section 143.356.

Sec. 143.356. BARGAINING TEAM; NEGOTIATIONS. (a) A bargaining team shall be created to advise the majority bargaining agent.

(b) The governing body of a police employee group may appoint one person to serve on the bargaining team.

(c) The majority bargaining agent will represent all police officers and negotiate with the public employer in an effort to reach an agreement. The bargaining team shall review any agreement reached between the majority bargaining agent and the public employer. A majority of the members of the bargaining team must approve the agreement before a ratification election can be held under Section 143.360.

(d) All police employee groups that are represented on the bargaining team shall share equally the expenses associated with the negotiation of an agreement by the majority bargaining agent. A police employee group that fails to reimburse the majority bargaining agent for the reasonable expenses incurred before the 30th day after the date the police employee group is notified of the expense forfeits all rights expressly granted to the police employee group under this subchapter, including its right to representation on the bargaining team.

Sec. 143.357. PAYROLL DUES DEDUCTIONS. After a majority bargaining agent is recognized, the public employer may not stop or prevent automatic payroll deductions for dues paid to a police employee group because the group is or is not the majority bargaining agent.

Sec. 143.358. OPEN RECORDS REQUIRED. All documents relating to an agreement between a majority bargaining agent and a public employer shall be available to the public in accordance with state statutes.

Sec. 143.359. ENFORCEABILITY OF AGREEMENT. (a) A written agreement made under this subchapter between a public employer and a majority bargaining agent and approved by the bargaining team is enforceable and binding on the public employer, the majority bargaining agent, police employee groups, and the police officers covered by the agreement if:

(1) the municipality's governing body ratified the agreement by a majority vote; and

(2) the agreement is ratified under Section 143.360.

(b) A state district court of the judicial district in which a majority of the population of the municipality is located has full authority and jurisdiction on the application of either party aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by any written agreement ratified as required by this subchapter. The court may issue proper restraining orders, temporary and permanent injunctions, and any other writ, order, or process, including contempt orders, that are

appropriate to enforcing any written agreement ratified as required by this subchapter.

Sec. 143.360. ELECTION TO RATIFY AGREEMENT. (a) The majority bargaining agent shall call an election to ratify any agreement reached with the public employer if the agreement has been approved by a majority of the bargaining team.

(b) All police officers of the municipality are eligible to vote in the election.

(c) The bargaining team shall establish procedures of the election by unanimous consensus.

(d) If the bargaining team is unable to agree on procedures for the election, any group represented on the bargaining team may request that the American Arbitration Association conduct the election and certify the results. Certification of the results of an election resolves the question concerning ratification of an agreement. All police employee groups represented on the bargaining team shall share equally the expenses of the election.

(e) A majority of all votes cast is required to ratify an agreement.

Sec. 143.361. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. (a) A written agreement ratified under this subchapter between a public employer and the majority bargaining agent supersedes a previous statute concerning wages, salaries, rates of pay, hours of work, and other terms of employment to the extent of any conflict with the previous statute.

(b) A written agreement ratified under this subchapter preempts all contrary local ordinances, executive orders, legislation, or rules adopted by the state or a political subdivision or agent of the state, such as a personnel board, a civil service commission, or a home-rule municipality.

(c) An agreement under this subchapter may not diminish or qualify any right, benefit, or privilege of an employee under this chapter or other law unless approved by a majority of the votes cast at the secret ballot election held by the majority bargaining agent to ratify the agreement.

Sec. 143.362. REPEAL OF AGREEMENT BY ELECTORATE. Within 45 days after the date an agreement is ratified and signed by the municipality and the majority bargaining agent, a petition signed by a number of registered voters equal to 10 percent of the votes cast at the most recent mayoral general election in the municipality may be presented to the municipal secretary calling an election for the repeal of the agreement, in which event the governing body shall reconsider the agreement, and, if it does not repeal the agreement, it shall call an election of the qualified voters to determine if they desire to repeal the agreement. The election shall be held as part of the next regularly scheduled municipal election or at a special election called by the governing body for that purpose. If at the election a majority of the votes are cast in favor of the repeal of the adoption of the agreement, the agreement becomes void. The ballot shall be printed to provide for voting for or against the proposition:

"Repeal of the adoption of the agreement ratified by the municipality and the police officers of the municipality concerning wages, salaries, rates of pay, hours of work, and other terms of employment."

Sec. 143.363. PROTECTED RIGHTS OF INDIVIDUAL EMPLOYEES.

(a) For the purpose of any disciplinary appeal to either the civil service

commission or a hearing examiner, all police officers have the right to choose to be represented by any person of their choice or by the police employee group selected as the majority bargaining agent.

(b) An agreement may not interfere with the right of a member of a police employee group to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Commission on Human Rights or the Equal Employment Opportunity Commission or to pursue affirmative action litigation.

(2) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 2

Representative Bailey offered the following amendment to Amendment No. 1:

Amend the Talton amendment to **SB 1286** as follows:

On page 4, line 13, between "advise" and "the", insert "and give direction to".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 3

Representative Talton offered the following amendment to **SB 1286**:

Amend **SB 1286** as follows:

In Section 1 of the bill, add the following to Sec. 143.103(c):

"This subsection does not apply to the transfer of police officers."

Amendment No. 3 was adopted without objection.

SB 1286, as amended, was passed to third reading. (Corte and Heflin recorded voting no)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Stiles requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meetings were announced:

Calendars, 12:45 p.m. today, speakers committee room.

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 2321 ON THIRD READING (by Palmer and Wohlgemuth)

HB 2321, A bill to be entitled An Act relating to nursing home bed certification and decertification.

HB 2321 was passed.

HB 1800 ON THIRD READING
(by Hochberg)

HB 1800, A bill to be entitled An Act relating to state-administered assessment instruments for students in special education programs.

HB 1800 was passed.

HB 3428 ON THIRD READING
(by Naishtat, Davila, et al.)

HB 3428, A bill to be entitled An Act relating to financial assistance and related services for victims of family violence.

HB 3428 was passed.

HB 3019 ON THIRD READING
(by Allen)

HB 3019, A bill to be entitled An Act relating to permit exemptions under the Texas Clean Air Act for construction or modification of certain facilities.

HB 3019 was passed.

HB 2103 ON THIRD READING
(by S. Turner and McClendon)

HB 2103, A bill to be entitled An Act relating to restrictions on the siting of solid waste facilities and to the Texas Natural Resource Conservation Commission's consideration of cumulative risks in certain administrative proceedings.

HB 2103 was passed.

HB 2169 ON THIRD READING
(by Kubiak and Longoria)

HB 2169, A bill to be entitled An Act relating to the liability of emergency service organizations.

HB 2169 was passed.

HB 2887 ON THIRD READING
(by Dutton)

HB 2887, A bill to be entitled An Act relating to promotional or educational activities of title insurance entities.

HB 2887 was passed.

HB 3339 ON THIRD READING
(by Hilbert)

HB 3339, A bill to be entitled An Act relating to dismissal of a condemnation proceeding.

HB 3339 was passed.

HB 2837 ON THIRD READING
(by Thompson)

HB 2837, A bill to be entitled An Act relating to certain filing fees and salaries of judges in the statutory county courts of certain counties.

HB 2837 was passed.

HB 3544 ON THIRD READING
(by Thompson)

HB 3544, A bill to be entitled An Act relating to the justice of the peace courts of Harris County.

HB 3544 was passed.

HB 1465 ON THIRD READING
(by Haggerty)

HB 1465, A bill to be entitled An Act relating to the regulation of staff leasing services companies; providing penalties.

HB 1465 was passed.

MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 932 ON THIRD READING
(Oliveira, Patterson, and Marchant - House Sponsors)

SB 932, A bill to be entitled An Act relating to abolishing the Texas Department of Commerce and the Texas Agricultural Finance Authority and transferring the powers and duties of the agencies to the newly created Texas Economic Development Agency to administer state agency loan and loan guarantee programs and to engage in capital formation initiatives to further the state's economic and agricultural development goals.

Amendment No. 1

Representative Stiles offered the following amendment to **SB 932**:

Amend **SB 932** on third reading, in SECTION 7.01 of the bill (House Committee Report page 11, lines 26 and 27), by striking Subdivision (1) and renumbering the subsequent subdivisions accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wise offered the following amendment to **SB 932**:

Amend **SB 932**, on third reading, by adding the following new section, appropriately numbered, to read as follows, and renumbering subsequent sections of the bill accordingly:

SECTION _____. Subchapter B, Chapter 67, Education Code, is amended by adding Section 67.28 to read as follows:

Sec. 67.28. BUREAU FOR ECONOMIC DEVELOPMENT AND HISPANIC STUDIES. (a) The University of Texas at Austin shall establish

within the Lyndon Baines Johnson School of Public Affairs a Bureau for Economic Development and Hispanic Studies.

(b) The bureau shall:

(1) develop proposals for maximizing trade between this state, the Republic of Mexico, and Latin America;

(2) undertake research to encourage the analysis of public economic policies affecting Hispanic citizens;

(3) conduct studies and develop policy proposals on economic issues of particular interest and importance to Hispanic citizens, including studies and policies relating to:

(A) educational issues; and

(B) employment opportunities, including means by which opportunities created by foreign trade agreements and federal funds may be used to prevent loss of jobs by Hispanic citizens;

(4) distribute the results of its studies and policy proposals to appropriate federal, state, and local governmental agencies and officials, community organizations, private leaders, and the public;

(5) identify and study economic issues important to Hispanics in this state;

(6) develop information and produce reports to increase public awareness of important economic policy issues;

(7) sponsor independent studies of public economic policy issues;

(8) provide objective analysis of current legislative proposals and programs related to economic development;

(9) publish reports and papers that focus on the effect of proposed economic development policies, plans, and programs on the Hispanic community;

(10) establish primary communications links and informational forums for state leaders, legislators, and other important interests through briefings, meetings, and conferences;

(11) create opportunities to educate the public and, especially, leaders and potential leaders about important economic issues; and

(12) provide advice and counsel to public economic policy and decision makers with particular focus on the Hispanic community.

(c) The university shall maintain the main office of the bureau at Weslaco.

(d) The Texas Economic Development Agency and state institutions of higher education shall assist the bureau in carrying out its duties.

(e) The bureau may accept gifts and grants from any source to be used to carry out the bureau's duties.

Amendment No. 2 was adopted without objection. (Hartnett recorded voting no)

SB 932, as amended, was passed. (Finnell, and Horn recorded voting no)

SB 1304 ON THIRD READING
(Thompson - House Sponsor)

SB 1304, A bill to be entitled An Act relating to funds tendered into the registry of the court.

SB 1304 was passed.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 3475 ON THIRD READING
(by Alvarado and Greenberg)**

HB 3475, A bill to be entitled An Act relating to facilitating the organization and availability of government information.

HB 3475 was passed.

**HB 3151 ON THIRD READING
(by Hilbert)**

HB 3151, A bill to be entitled An Act relating to optional contracts by certain conservation and reclamation districts to make payments in exchange for a deferral of annexation to cities with a population in excess of 1,600,000 to be used for the supply of treated surface water and providing for alternatives for non-participating districts.

HB 3151 was passed. (Torres, Woolley, and Yarbrough recorded voting no)

**HB 1693 ON THIRD READING
(by Hinojosa)**

HB 1693, A bill to be entitled An Act relating to authorizing the state jail division of the Texas Department of Criminal Justice to house county jail inmates in a state jail felony facility.

HB 1693 was passed.

**HB 1292 ON THIRD READING
(by Solomons)**

HB 1292, A bill to be entitled An Act relating to the custody of certain children who commit traffic or other offenses punishable by fine only.

HB 1292 was passed.

**HB 998 ON THIRD READING
(by Hunter)**

HB 998, A bill to be entitled An Act relating to the conflict-of-interests prohibition applying to a local official who has a substantial interest in a business entity.

HB 998 was passed.

**HB 1726 ON THIRD READING
(by Hirschi)**

HB 1726, A bill to be entitled An Act relating to an integrated pest management program at an institution of higher education or school district.

HB 1726 was passed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on **HB 4** and **HJR 4** postponed until 3 p.m. today, appropriations room.

HB 2250 ON THIRD READING
(by Wise and Greenberg)

HB 2250, A bill to be entitled An Act relating to child protective services provided by the Department of Protective and Regulatory Services.

A record vote was requested.

HB 2250 was passed by (Record 449): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Junell; Marchant; Moreno; Oliveira; Serna.

HB 3258 ON THIRD READING
(by Coleman and Naishtat)

HB 3258, A bill to be entitled An Act relating to the implementation of the Medicaid managed care program.

HB 3258 was passed.

HB 2213 ON THIRD READING
(by Delisi)

HB 2213, A bill to be entitled An Act relating to municipal and county policies regarding enforcement of certain drug laws.

HB 2213 was passed.

HB 137 ON THIRD READING
(by West)

HB 137, A bill to be entitled An Act relating to the qualifications of certain charitable organizations for an exemption from ad valorem taxation.

HB 137 was passed.

HB 297 ON THIRD READING
(by Driver, et al.)

HB 297, A bill to be entitled An Act relating to certain signs controlling use of traffic lanes.

HB 297 was passed.

HB 978 ON THIRD READING
(by Hupp)

HB 978, A bill to be entitled An Act relating to the eligibility of certain higher education employees to participate in group programs under the Texas Employees Uniform Group Insurance Benefits Act.

HB 978 was passed.

HB 306 ON THIRD READING
(by Elkins)

HB 306, A bill to be entitled An Act relating to the law that applies to activities conducted over the Internet.

HB 306 was passed.

HB 489 ON THIRD READING
(by Allen, Woolley, Culberson, and McClendon)

HB 489, A bill to be entitled An Act relating to the applicability of a sexual offender registration program to certain defendants and to the procedures used to register and monitor sex offenders.

Amendment No. 1

Representative Allen offered the following amendment to **HB 489**:

Amend **HB 489** on 3rd reading as follows:

(1) In SECTION 3 of the bill, at the end of proposed Section 3(f), Article 6252-13c.1, Revised Statutes, strike the language appearing after "superintendent of" on page 8, lines 12-14, and substitute the following:

"the public [~~schools of the~~] school district and to the administrator of any private primary or secondary school located in the public school district in which the person subject to registration intends to reside by mail to the [~~district~~] office of the superintendent or administrator, as applicable. Not later than the 14th day after receipt of a notice under this subsection, the superintendent or administrator shall release the information contained in the notice to appropriate school district or private school personnel, as applicable, including any peace officers and security personnel, principals, nurses, and counselors."

(2) In SECTION 4 of the bill, at the end of amended Section 4(f), Article

6252-13c.1, Revised Statutes, strike the language appearing after "superintendent of" on page 11, lines 6-8, and substitute the following:

"the public [schools of the] school district and to the administrator of any private school located in the public school district in which the person subject to registration intends to reside by mail to the [district] office of the superintendent or administrator, as applicable. Not later than the 14th day after receipt of a notice under this subsection, the superintendent or administrator shall release the information contained in the notice to appropriate school district or private school personnel, as applicable, including any peace officers and security personnel, principals, nurses, and counselors."

(3) In SECTION 5 of the bill, between "Section 5" and the first comma on page 11, line 9, strike "(a)".

(4) In SECTION 5 of the bill, between "amended" and "to read" on page 11, line 10, insert "by amending Subsection (a) and adding Subsection (f)".

(5) In SECTION 5 of the bill, after amended Section 5(a), Article 6252-13c.1, Revised Statutes, on page 11, between lines 14 and 15, insert the following:

"(f) A private primary or secondary school or administrator of a private primary or secondary school may release to the public information regarding a person required to register if the information is public information under this article and is released to the administrator under Section 3 or Section 4 of this article. A private primary or secondary school or administrator of a private primary or secondary school is not liable under any law for damages arising from conduct authorized by this subsection."

(6) In SECTION 7 of the bill, proposed Section 8(a)(1)(A), Article 6252-13c.1, Revised Statutes, on page 12, line 10, strike "43.02".

(7) Add an appropriately numbered SECTION to the bill, to read as follows, and renumber the existing SECTIONS of the bill accordingly:

SECTION __. Article 6252-13c.1, Revised Statutes, is amended by adding Section 6 to read as follows:

Sec. 6. ANNUAL VERIFICATION OF REGISTRATION INFORMATION. A person subject to registration under this article shall report to the local law enforcement authority with whom the person is registered not later than January 15 of each year to verify the information in the registration form maintained by the authority for that person. The authority shall require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. If the information in the registration form is accurate, the person shall verify registration by signing the form. If the information is not accurate, the person shall make any necessary corrections before signing the form.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Allen offered the following amendment to **HB 489**:

Amend **HB 489** on 3rd reading as follows:

(1) On page 2, line 26, immediately after "another state", add "or the Uniform Code of Military Justice".

(2) On page 3, line 4, between "another state" and "for", insert "or the Uniform Code of Military Justice".

(3) On page 8, line 14, immediately after the period, add the following:

"Regardless of the basis on which a person is subject to registration, if the authority knows that the person subject to registration intends to work at an address in a school district other than the school district in which the person intends to reside, the authority shall immediately provide notice to the superintendent of public schools of the school district in which the person intends to work by mail to the district office."

(4) On page 11, line 8, immediately after the period, add the following:

"Regardless of the basis on which a person is subject to registration, if the authority knows that the person subject to registration intends to work at an address in a school district other than the school district in which the person intends to reside, the authority shall immediately provide notice to the superintendent of public schools of the school district in which the person intends to work by mail to the district office."

(5) Add an appropriately numbered SECTION to read as follows and renumber existing SECTIONS accordingly:

SECTION _____. Section 5, Article 6252-13c.1, Revised Statutes, is amended by adding Subsections (d) and (e) to read as follows:

(d) On the written request of a licensing authority that identifies an individual and states that the individual is an applicant for or a holder of a license issued by the authority, the department shall release any information described by Subsection (a) of this section to the licensing authority.

(e) For the purposes of Subsection (d) of this section:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state or a political subdivision of the state that issues a license.

Amendment No. 2 was adopted without objection.

HB 489, as amended, was passed.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 1765 ON THIRD READING (Counts - House Sponsor)

SB 1765, A bill to be entitled An Act relating to certification of certain persons who practice acupuncture.

SB 1765 was passed.

SB 1406 ON THIRD READING
(Gallego - House Sponsor)

SB 1406, A bill to be entitled An Act relating to the duties and operations of a watermaster's office, reimbursement of the Texas Natural Resource Conservation Commission for the compensation and necessary expenses of a watermaster's office, and creation of the watermaster fund.

SB 1406 was passed.

SB 1878 ON THIRD READING
(Krusee - House Sponsor)

SB 1878, A bill to be entitled An Act relating to authorizing certain municipal utility districts to repair and maintain streets and to issue bonds for that purpose.

SB 1878 was passed.

SB 1630 ON THIRD READING
(Siebert - House Sponsor)

SB 1630, A bill to be entitled An Act relating to motor vehicle registrations.

SB 1630 was passed.

SB 1899 ON THIRD READING
(Zbranek - House Sponsor)

SB 1899, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Pine Island Bayou Stormwater Control District; granting the authority to issue bonds and impose taxes; granting the power of eminent domain.

SB 1899 was passed.

SB 1248 ON THIRD READING
(Coleman - House Sponsor)

SB 1248, A bill to be entitled An Act relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

Amendment No. 1

Representative Coleman offered the following amendment to **SB 1248**:

Amend **SB 1248** as follows:

(1) In Section 252.002, Health and Safety Code, as added by SECTION 1 of the bill, strike Subdivision (4) and substitute:

(4) "Facility" means a home or an establishment that:

(A) furnishes food, shelter, and treatment or services to four or more persons unrelated to the owner;

(B) is primarily for the diagnosis, treatment, or rehabilitation of persons with mental retardation or related conditions; and

(C) provides in a protected setting continuous evaluation, planning, 24-hour supervision, coordination, and integration of health or

rehabilitative services to help each resident function at the resident's greatest ability.

(2) In Section 252.066(b), Health and Safety Code, as added by SECTION 1 of the bill, strike "A penalty must be appropriate to the violation and may be imposed only when a violation presents an immediate and serious threat to the health and safety of a resident." and substitute "A penalty must be appropriate to the violation.".

(3) In Section 252.094, Health and Safety Code, as added by SECTION 1 of the bill, strike Subsection (b) and substitute the following:

(b) The trustee may petition the court to order the release to the trustee of any payment owed the trustee for care and services provided to the residents if the payment has been withheld, including a payment withheld by a governmental agency or other entity during the appointment of the trustee, such as payments:

(1) for Medicaid or insurance;

(2) by a third party; or

(3) for medical expenses borne by the residents.

(4) In Section 252.096, Health and Safety Code, as added by SECTION 1 of the bill, strike Subsection (d) and substitute:

(d) The amount that remains unreimbursed on the first anniversary of the date on which the money is received is delinquent and the Texas Department of Mental Health and Mental Retardation may determine that the facility is ineligible for a Medicaid provider contract.

(5) Strike Section 252.151, Health and Safety Code, as added by SECTION 1 of the bill, and substitute:

Sec. 252.151. ADMINISTRATION OF MEDICATION. The department shall adopt rules relating to the administration of medication in facilities.

(6) Strike Section 252.152, Health and Safety Code, as added by SECTION 1 of the bill, and substitute:

Sec. 252.152. REQUIRED MEDICAL EXAMINATION. (a) The department shall require each resident to be given at least one medical examination each year.

(b) The department shall specify the details of the examination.

Sec. 252.153. EMERGENCY MEDICATION KIT. (a) A facility licensed under this chapter is entitled to maintain a supply of controlled substances in an emergency medication kit for a resident's emergency medication needs.

(b) The controlled substances shall be labeled in accordance with all applicable state and federal food and drug laws, including Chapter 481 (Texas Controlled Substances Act).

(c) The board shall adopt rules governing the amount, type, and procedure for use of the controlled substances in the emergency medication kit. The storage of the controlled substances in the kit is under the supervision of the consultant pharmacist.

(d) The administration of the controlled substances in the emergency medication kit shall comply with all applicable laws.

Amendment No. 1 was adopted without objection.

SB 1248, as amended, was passed.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolutions on committee report:

HCR 5 (by McClendon), Designating picante sauce as the Official State Sauce of Texas.

HCR 5 was adopted without objection.

On motion of Representative A. Reyna, the names of all the members of the house were added to **HCR 5** as signers thereof.

HCR 83 (by Hochberg), Designating buckminsterfullerene the official State Molecule of Texas.

HCR 83 was adopted without objection.

HCR 137 (by Chavez), Memorializing Congress to create a NAFTA Trade Impact Fund.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Pitts, Representative Chavez offered the following committee amendment to **HCR 137**:

Amend **HCR 137**, on page 2, line 11, by striking "40" and substituting "33".

Amendment No. 1 was adopted without objection.

HCR 137, as amended, was adopted without objection.

HCR 144 (by Crabb), creating a special committee to designate Texas State Artists.

HCR 144 was adopted without objection.

CSHCR 118 (by Hilbert), granting Dick Corporation permission to sue the State of Texas and the Texas Department of Criminal Justice.

Amendment No. 1

On behalf of Representative Eiland, Representative Hilbert offered the following amendment to **CSHCR 118**:

Amend **CSHCR 118** as follows:

(1) On page 1, line 22, between "\$10,000,000" and "and", insert ",including attorney fees and costs of court,".

(2) On page 2, line 4, between "\$10,000,000," and "and", insert "including attorney fees and costs of court,".

Amendment No. 1 was adopted without objection.

HCR 118, as amended, was adopted without objection. (Horn recorded voting no)

CSHCR 182 (by R. Lewis), Granting Todd Shipyards Corporation permission to sue the state of Texas and the Texas Parks and Wildlife Department.

Representative R. Lewis moved to lay **CSHCR 182** on the table subject to call.

The motion prevailed without objection.

HCR 26 (by Maxey), Granting The Burnett Companies, doing business as Burnett Personnel Services, permission to sue the State of Texas and the Texas Department of Banking.

Amendment No. 1

On behalf of Representative Eiland, Representative Maxey offered the following amendment to **HCR 26**:

Amend **HCR 26** as follows:

(1) On page 1, line 24, between "Banking" and "subject", insert "on all claims related to the indemnity agreement and the accident involving Cedric Tasby that occurred on November 9, 1994,".

(2) On page 2, between lines 1 and 2, insert the following:

RESOLVED, That the suit authorized by this resolution shall be brought in Travis County; and, be it further

RESOLVED, That the total of all damages awarded in the suit authorized by this resolution, including any court costs, attorney's fees, and prejudgment interest awarded under law, may not exceed \$16,000, and that the Burnett Companies may not plead an amount in excess of that amount in a suit authorized by this resolution; and be it further

Amendment No. 1 was adopted without objection.

HCR 26, as amended, was adopted.

HCR 96 (by Bonnen), Granting Benita Fogarty permission to sue the state.

HCR 96 was adopted.

HCR 132 (by Counts, et al.), Encouraging the Texas Board of Criminal Justice, Texas Youth Commission, Juvenile Probation Commission, county commissioners, and sheriffs to support faith-based correctional programming and facilities.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gray, Representative Counts offered the following committee amendment to **HCR 132**:

Amend **HCR 132** on page 2, line 15, by striking ", church-centered", and on page 3, line 16, by striking ", church-and".

Amendment No. 1 was adopted without objection.

HCR 132, as amended, was adopted without objection.

HCR 217 (by Denny, Carter, Berlanga, S. Turner, Hochberg, et al.), Memorializing Congress to restore the federal income tax deductibility of state sales taxes.

HCR 217 was adopted without objection.

HR 490 (by Hawley), Granting the Capitol Scholars program permission to use the house chamber on July 18, 1997.

HR 490 was adopted without objection.

HR 484 (by Oliveira), Expressing support for the Brownsville Weir and Reservoir Project.

HR 484 was adopted without objection.

HR 984 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 984**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 984, Commemorating the incorporation of Sullivan City and honoring its first elected officials.

HR 984 was adopted without objection.

HCR 271 - ADOPTED
(by Zbranek)

Representative Zbranek moved to suspend all necessary rules to take up and consider at this time **HCR 271**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 271

WHEREAS, **HB 606** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains a grammatical error that needs correction; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to make the following correction:

In added Section 32.0246(d), Human Resources Code, strike "may not exceed more than 500" and substitute "may not exceed 500".

HCR 271 was adopted without objection.

HCR 275 - ADOPTED
(by West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HCR 275**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 275, Congratulating Lori Bennington on being named the 1997 Educator of the Year by the Midland Association for Retarded Citizens.

HCR 275 was adopted without objection.

On motion of Representative Hunter, the names of all the members of the house were added to **HCR 275** as signers thereof.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HCR 273 - ADOPTED
(by Berlanga)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HCR 273**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 273

WHEREAS, **HB 3** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 3 as follows:

(1) Strike Section 109.063(d), Health and Safety Code, as added by Senate Floor Amendment No. 2, and substitute the following:

"(d) The participation criteria for authorized insurers, health service organizations, health maintenance organizations, and other entities that provide coverage under the health benefit program shall not allow an eligible coverage provider to establish a school-based clinic for the provision of covered treatment services, except for routine health screening and preventive measures including, but not limited to, immunizations, inoculations, or hearing and vision testing."

(2) Strike Section 154.182(b), Family Code, as amended by SECTION 2 of the bill and Senate Floor Amendment Nos. 3 and 4, and substitute the following:

"(b) Except as provided for by Subdivision (6), in [¶] determining the manner in which health insurance for the child is to be ordered, the court shall render its order in accordance with the following priorities, unless a party shows good cause why a particular order would not be in the best interest of the child:

(1) if health insurance is available for the child through the obligor's employment or membership in a union, trade association, or other organization, the court shall order the obligor to include the child in the obligor's health insurance;

(2) if health insurance is not available for the child through the obligor's employment but is available for the child through the obligee's employment or membership in a union, trade association, or other organization, the court may order the obligee to provide health insurance for the child, and, in such event, shall order the obligor to pay additional child support to be withheld from earnings under Chapter 158 to the obligee for the actual cost of the health insurance for the child; [¶]

(3) if health insurance is not available for the child under Subdivision (1) or (2), the court shall order the obligor to provide health insurance for the

child if the court finds that health insurance is available for the child from another source and that the obligor is financially able to provide it;

(4) if health insurance is not available for the child under Subdivision (1), (2), or (3), the court shall order the obligor to apply for coverage through the Texas Healthy Kids Corporation established under Chapter 109, Health and Safety Code;

(5) if health coverage is not available for the child under Subdivision (1), (2), (3), or (4), the court shall order the obligor to pay the obligee, in addition to any amount ordered under the guidelines for child support, a reasonable amount each month as medical support for the child to be withheld from earnings under Chapter 158; or

(6) notwithstanding Subdivisions (1) through (3), an obligor whose employer, union, trade association, or other organization does not offer a child/children coverage option in lieu of a spouse/child/children option of health insurance coverage may elect to apply for coverage through the Texas Healthy Kids Corporation. An obligor required to pay additional child support to an obligee for health insurance coverage may elect to apply for coverage through the Texas Healthy Kids Corporation if the obligee's employer, union, trade association, or other organization does not offer a child/children coverage option in lieu of a spouse/child/children option of health insurance coverage."

HCR 273 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, on adjournment today, Desk 41, to consider new and pending business.

Higher Education, on adjournment today, Desk 118.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representatives Davis and Luna moved that the house adjourn until 10 a.m. Monday, May 19.

The motion prevailed without objection.

The house accordingly, at 1:52 p.m., adjourned until 10 a.m. Monday, May 19.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were

today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 897 (by Place), Congratulating the Hamilton High School golf team on winning the 1997 Class 2A State Championship.

To Rules & Resolutions

HR 898 (by Isett), Congratulating Gloria Zapata on her noteworthy performance at the Texas Career and Technology Education Awards Program.

To Rules & Resolutions.

HR 899 (by Isett), Congratulating Michael Hewett on his noteworthy performance at the Texas Career and Technology Education Awards Program.

To Rules & Resolutions.

HR 900 (by Isett), Congratulating John Shaw on his receipt of an award from the Texas Career and Technology Education Awards Program.

To Rules & Resolutions.

HR 901 (by Isett), Congratulating Corey Nunley on his noteworthy performance at the Texas Career and Technology Education Awards Program.

To Rules & Resolutions.

HR 910 (by Gray and Eiland), Congratulating Joe C. Blackshear on his receipt of the 1997 People of Vision Award.

To Rules & Resolutions.

HR 911 (by Gray and Eiland), Congratulating Dr. Janice K. Smith on her receipt of the Rabbi Henry Cohen Humanitarian Award.

To Rules & Resolutions.

HR 912 (by Kuempel), Recognizing Ruth Fertel as an Honorary Texan.

To Rules & Resolutions.

HR 913 (by G. Lewis), Honoring Michelle Clark.

To Rules & Resolutions.

HR 914 (by G. Lewis), Congratulating Dr. Jennifer Giddings Brooks on receiving the 1997 Outstanding Women of Fort Worth award.

To Rules & Resolutions.

HR 915 (by G. Lewis), Honoring Estellar Lee Embry Belcher.

To Rules & Resolutions.

HR 916 (by G. Lewis), Honoring Shannon Fletcher.

To Rules & Resolutions.

HR 917 (by G. Lewis), Congratulating Opal Roland Lee on being named one of 1997's Outstanding Women of Fort Worth.

To Rules & Resolutions.

HR 918 (by G. Lewis), Congratulating Anna Diaz on her completion of Phillips Academy's Math and Science for Minority Students (MS)2 program.

To Rules & Resolutions.

HR 919 (by G. Lewis), Congratulating Karina Hernandez on her completion of Phillips Academy's Math and Science for Minority Students (MS)2 program.

To Rules & Resolutions.

HR 920 (by G. Lewis), Congratulating Carrie Jean Tunson on being named an Outstanding Woman of Fort Worth by the Fort Worth Commission on the Status of Women.

To Rules & Resolutions.

HR 921 (by Corte), In memory of Letha I. James Enderle.

To Rules & Resolutions.

HR 922 (by Kamel), Recognizing the many achievements of the Life Organ Bank of East Texas.

To Rules & Resolutions.

HR 924 (by Kubiak), Honoring Major General John H. Bailey II on the occasion of his retirement from the Texas State Guard.

To Rules & Resolutions.

HR 925 (by Serna), Honoring Ruth Kern for her contributions to the community.

To Rules & Resolutions.

HR 927 (by Clark), Honoring Mary Ethel Praetz for her service as a member of the Silver-Haired Legislature.

To Rules & Resolutions.

HR 928 (by McClendon), Congratulating Cindy Wirz on her graduation from Our Lady of the Lake University.

To Rules & Resolutions.

HR 929 (by McClendon), In memory of Adell Doan Van de Putte.

To Rules & Resolutions.

HR 930 (by McClendon), Honoring Sergeant Eddie Pinchback on receiving the Outstanding Texan Award from the Texas Legislative Black Caucus.

To Rules & Resolutions.

HR 931 (by McClendon), Honoring Charles C. Andrews, Jr., on receiving an Outstanding Texan Award from the Texas Legislative Black Caucus.

To Rules & Resolutions.

HR 932 (by McClendon), Commending Superintendent Clem W. Steward and Carrie N. Steward.

To Rules & Resolutions.

HR 933 (by McClendon), Congratulating Willie A. Mitchell on receiving the Outstanding Texan Award from the Texas Legislative Black Caucus.

To Rules & Resolutions.

HR 934 (by McClendon), Celebrating the birth of Marissa Brooke Elder.

To Rules & Resolutions.

HR 935 (by McClendon), Honoring Robert A. Herrera.

To Rules & Resolutions.

HR 936 (by McClendon), Honoring Bill Thornton.
To Rules & Resolutions.

HR 937 (by McClendon), Congratulating Lorraine Reagan on her receipt of an Outstanding Texan Award for professional service from the Texas Legislative Black Caucus.
To Rules & Resolutions.

HR 938 (by McClendon), Congratulating Betty Lewis Williams on her receipt of an Outstanding Texan Award from the Texas Legislative Black Caucus.
To Rules & Resolutions.

HR 939 (by McClendon), Honoring David Arevalo.
To Rules & Resolutions.

HR 940 (by McClendon), Honoring Oscar L. Vicks.
To Rules & Resolutions.

HR 941 (by McClendon), Honoring Joel V. Williams.
To Rules & Resolutions.

HR 942 (by McClendon), Honoring Dolores Lott.
To Rules & Resolutions.

HR 943 (by McClendon), Honoring Mario Salas.
To Rules & Resolutions.

HR 944 (by McClendon), Honoring Byron Miller.
To Rules & Resolutions.

HR 945 (by McClendon), Honoring Nancy S. Bohman.
To Rules & Resolutions.

HR 946 (by McClendon), Honoring Bob Ross.
To Rules & Resolutions.

HR 947 (by McClendon), Honoring Jo Ann McCall on receiving the Outstanding Texan Award from the Texas Legislative Black Caucus.
To Rules & Resolutions.

HR 949 (by Bonnen), Congratulating Winston and Nell Fuller on the occasion of their birthdays and their 33rd wedding anniversary.
To Rules & Resolutions.

HR 950 (by Raymond), Honoring Leonel "Muy" Garza and the Muy Grande deer hunting contest.
To Rules & Resolutions.

SB 105 to Revenue & Public Education Funding, Select.

SB 1611 to Corrections.

SB 1757 to Public Health.

SB 1766 to State, Federal & International Relations.

SCR 81 to State Affairs.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 2**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, May 16, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HB 107** Giddings SPONSOR: Ratliff

Relating to specialized license plates to support the diagnosis of reading development and comprehension at certain grade levels in public school and to requirements concerning that diagnosis.

(COMMITTEE SUBSTITUTE)

HB 546 Bosse SPONSOR: Whitmire

Relating to the civil liability of charitable organizations providing neighborhood crime prevention or patrol services.

HB 770 Haggerty SPONSOR: Shapleigh

Relating to the acquisition by the Parks and Wildlife Department of real property owned by the permanent school fund.

HB 1091 Goodman SPONSOR: Zaffirini

Relating to the parent-child relationship, including suits affecting the parent-child relationship, the establishment of paternity, the termination of the parent-child relationship, and the adoption of children; providing penalties.

(COMMITTEE SUBSTITUTE/AMENDED)

HB 1345 Uher SPONSOR: Armbrister

Relating to the issuance of certain permits to move certain heavy equipment over a state highway.

(AMENDED)

HB 1855 Eiland SPONSOR: Ratliff

Relating to sales tax exemption for items used in manufacturing tangible personal property for ultimate sale.

(AMENDED)

HB 2064 King SPONSOR: Madla

Relating to the authority of certain counties to impose a county hotel occupancy tax.

HB 2141 Keel, Terry SPONSOR: Wentworth
Relating to the seizure and sale of certain property by certain municipalities.

HB 2300 Serna SPONSOR: Shapleigh
Relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility District and to the authorization of bonds and the levy of taxes; providing civil penalties.

HB 2519 Gallego SPONSOR: Madla
Relating to special license plates benefitting Big Bend National Park.
(AMENDED)

HB 2683 Dukes SPONSOR: Wentworth
Relating to subdivision descriptions in contracts to convey real property.
(AMENDED)

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 16, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 621 Jackson SPONSOR: Patterson
Relating to the establishment of the Texas Chiropractic College as a public institution of higher education.

HCR 231 Van de Putte SPONSOR: Luna
Designating May 1997 as Older Americans Month.

HCR 238 Merritt SPONSOR: Patterson
Conferring the Texas Legislative Medal of Honor on Technical Sergeant James M. Logan.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 500 (29 YEAS, 1 NAYS)

SB 925 (viva-voce vote)

SB 1380 (viva-voce vote)

SB 1403 (viva-voce vote)

SB 1506 (viva-voce vote)
SB 1656 (30 YEAS, 0 NAYS)
SB 1906 (viva-voce vote)
SCR 35 (viva-voce vote)

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 15

County Affairs - **SB 10, SB 19, SB 395**

Criminal Jurisprudence - **SB 143, SB 548, SB 857, SB 907, SB 1001, SB 1218, SB 1579, SB 1728, SB 1827, SB 1835**

Economic Development - **SB 1262**

Energy Resources - **SB 1911, SB 1912**

Higher Education - **SB 961, SB 1311, SB 1419, SB 1808, SCR 75**

Insurance - **SB 258**

Juvenile Justice & Family Issues - **SB 1232, SB 1478, SB 1594, SB 1938**

Land & Resource Management - **SB 1339, SB 1389, SB 1558**

Natural Resources - **SB 15, SB 16, SB 23, SB 899, SB 1316, SB 1450, SB 1793, SB 1888**

Pensions & Investments - **SB 397**

Public Health - **SB 938, SB 1248, SB 1297, SB 1699, SB 1824**

Public Safety - **SB 12, SB 187, SB 1546, SB 1676**

Revenue & Public Education Funding, Select - **SB 841, SJR 43**

State Affairs - **SB 55, SB 897, SB 937, SB 1036, SB 1624, SB 1715**

Transportation - **SB 370**

Urban Affairs - **SB 823, SB 1134**

Ways & Means - **SB 102, SB 581, SB 1425, SB 1451, SB 1805, SJR 45**

ENGROSSED

May 15 - **HB 772, HB 1175, HB 2254, HB 2520, HB 2948, HB 3373**

ENROLLED

May 15 - **HB 1406, HB 1808, HB 2601, HB 2832, HB 3043, HB 3457, HCR 263**

SENT TO THE GOVERNOR

May 15 - **HB 463, HB 870, HB 963, HB 1300, HB 1387, HB 1482, HB 1487, HB 1630, HB 1747, HB 2074, HB 2123, HB 2126, HB 2201, HB 2348, HB 3354, HCR 250**

SIGNED BY THE GOVERNOR

May 15 - **HB 243, HB 376, HB 527, HB 565, HB 567, HB 634, HB 707, HB 799, HB 901, HB 991, HB 1143, HB 1190, HB 1403, HB 1475, HB 1567, HB 2066, HB 2274, HB 2277, HB 2826, HCR 9, HCR 10, HCR 15, HCR 17, HCR 18, HCR 20, HCR 39, HCR 90, HCR 122, HCR 138, HCR 159, HCR 160, HCR 170, HCR 178, HCR 199, HCR 208, HCR 221, HCR 234**